



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

**SEP 28 2007**

Mr. Roderick L. Bremby, Secretary  
Kansas Department of Health and Environment  
Office of the Secretary  
1000 SW Jackson, Suite 540  
Topeka, Kansas 66612-1368

Dear Mr. Bremby:

RE: Lower Arkansas and Upper Republican River Basins TMDLs

This letter responds partially to the submission from Kansas Department of Health and Environment (KDHE) on December 9, 2006, of eleven final Total Maximum Daily Load (TMDL) documents, and a subsequent submission on January 9, 2007, of two final TMDL documents. This submittal fulfills the Clean Water Act statutory requirement to develop TMDLs for those waters listed on the Kansas §303(d) list. Specifically, these 13 documents, representing their water bodies and impairments, were addressed:

- Lower Kansas River – E. coli.
- Cedar Creek – Nitrate.
- Lakes Olathe and Cedar – Eutrophication.
- Mill Creek Watershed – Biology.
- Shunganunga Creek – Sediment.
- Soldier Creek Watershed – Sediment.
- Anthony City Lake – Eutrophication and Siltation.
- Arkansas River – Biology.
- Sand Creek – Nitrate.
- Sand Creek – DO.
- Little Cow Creek – Nitrogen.
- Tuttle Creek Lake – Atrazine.
- Cowskin Creek – Biology.

The United States Environmental Protection Agency (EPA) reviewed each of the 13 TMDL submittals. EPA has completed its review of the TMDLs for which KDHE has completed revisions, supporting documentation and information, and by this letter EPA is approving two of the TMDL documents submitted.

- Lakes Olathe and Cedar – Eutrophication.
- Cowskin Creek – Biology.

Region 7 TMDL review forms are enclosed with this letter which summarizes the rationale for EPA's approval for each approved TMDL document. EPA believes the separate elements of the TMDLs described in the review forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety. Ten of the TMDL documents were approved in a previous letter dated August 3, 2007. One TMDL document is still under review.

► Lower Kansas River – E. coli.

EPA has engaged in consultation under Section 7 of the Endangered Species Act with the United States Fish and Wildlife Service regarding these TMDLs. While EPA is approving these TMDLs at the present time, EPA may decide that changes to the TMDLs are warranted based upon the results of the consultation when it is completed.

EPA commends KDHE on its efforts to submit these TMDLs for the Lower Arkansas and Upper Republican River Basins. We appreciate the thoughtful teamwork and partnering effort that Kansas has put forth in the development of these TMDLs. We will continue to cooperate and assist, as appropriate, in future efforts by Kansas to develop TMDLs.

Sincerely,



William A. Spratlin  
Director  
Water, Wetlands and Pesticides Division

Enclosures

cc: Tom Stiles  
KDHE